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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
  
CASH CLOUD, INC., DBA COIN CLOUD,  
  
Debtor.

Case No. 23-10423-MKN  
Chapter 11

CASH CLOUD, INC., DBA COIN  
CLOUD,  
  
Plaintiff,

Adv. No. 23-01015-MKN

v.

LUX VENDING, LLC d/b/a BITCOIN  
DEPOT,  
  
Defendant.

**OPPOSITION TO EX PARTE  
APPLICATION FOR ORDER  
SHORTENING TIME FOR HEARING ON  
PLAINTIFF'S (1) MOTION FOR  
TEMPORARY RESTRAINING ORDER;  
AND (2) MOTION FOR PRELIMINARY  
INJUNCTION**

Judge: Hon. Mike K. Nakagawa

Defendant Lux Vending, LLC d/b/a Bitcoin Depot ("Defendant"), by and through counsel  
Stacy H. Rubin of the law firm Holley Driggs and Adam P. Schwartz and John J. Lamoureux of  
the law firm Carlton Fields, P.A., hereby opposes Plaintiff Cash Cloud, Inc., dba Coin Cloud's  
("Plaintiff") Ex Parte Application for Order Shortening Time for Hearing on Plaintiff's (1) Motion

1 for Temporary Restraining Order; and (2) Motion for Preliminary Injunction [ECF No. 7]<sup>1</sup> (the  
 2 “Application”), which Application seeks hearings to be set on shortened time for Plaintiff’s Motion  
 3 for Temporary Restraining Order (“Motion for TRO”) [ECF No. 5] and Plaintiff’s Motion for  
 4 Preliminary Injunction (“Motion for PI”) [ECF No. 6] (together, Motion for TRO and Motion for  
 5 PI, “Underlying Motions”).<sup>2</sup> The Application and Underlying Motions are filed by Plaintiff.

6 The Application is unwarranted because the Application fails to identify the “good cause”  
 7 that necessitates hearings on the Underlying Motions be set on shortened time.

## 8 I. ANALYSIS

### 9 A. There Is No Cause To Shorten The Time For Hearings On The Underlying Motions

10 Considering the shortening of time, FRBP 9006(c)(1) provides in pertinent part:

11 Except as [in circumstances inapplicable here], when an act is  
 12 required or allowed to be done at or within a specified time by these  
 13 rules or by a notice given thereunder or by order of court, the court  
 for cause shown may in its discretion with or without motion or  
 notice order the period reduced.

14 FED. R. BANKR. P. 9006(c)(1).

15 Furthermore, LR 9006 sets forth the procedure for obtaining an order shortening the time  
 16 for hearings; specifically, every motion for an order shortening time must be accompanied by an  
 17 affidavit or declaration setting forth “the facts and circumstances as to why cause exists for an  
 18 expedited hearing . . . .”

19 Here, however, there is no good cause. Plaintiff alleges “irreparable harm,” but has not and  
 20 cannot identify a single instance of any harm. For example, plaintiff has not identified, anywhere,  
 21 even one client that Plaintiff has lost based on the alleged conduct of Bitcoin Depot. And  
 22 Plaintiff’s mere speculation of losing clients doesn’t qualify as “good cause.” *See Kennedy v. Full*  
 23 *Tilt Poker*, CV09-07964MMMAGRX, 2010 WL 1709842, at \*1 (C.D. Cal. Apr. 26, 2010)  
 24 (denying an *ex parte* motion to shorten the time and finding that a speculative chain of possibilities

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 26 <sup>1</sup> All references to “ECF No.” are to the numbers assigned to the documents filed in the adversary  
 27 proceeding identified in the caption above (“Case”) as they appear on the docket (“Docket”) maintained by the Clerk of the Court of the United States Bankruptcy Court for the District of Nevada.

28 <sup>2</sup> Defendant reserves its right to oppose the Underlying Motions and will present in due course.

1 does not establish an impending injury sufficient to constitute good cause to require defendants to  
2 respond on an expedited basis).

3 Furthermore, Plaintiff has not demonstrated that it will succeed on the merits of its claims.  
4 Plaintiff generally cites an “unambiguous violation of the automatic stay and tortious interference  
5 with contract and demonstrated bad faith by Defendant,” but hasn’t tied any actual damages to  
6 these allegations. And Plaintiff’s own actions demonstrate there is no urgency to this matter such  
7 that the Court needs to shorten the time to respond. Plaintiff declared bankruptcy on February 7,  
8 2023. Plaintiff waited a month to file an adversary proceeding against Bitcoin Depot on March  
9 10, 2023. But Plaintiff only filed the Motions for TRO and PI and Motion to Shorten Time on the  
10 evening of March 21, despite its knowledge that Defendant had contacted Plaintiff’s clients as  
11 early as February 8, 2023, *see* ECF 5-3. Certainly, if there was such an extreme urgency, Plaintiff  
12 would have filed the TRO and Preliminary Injunction motions contemporaneously with filing the  
13 adversary proceeding on March 10. As such, “cause” under FRBP 9006(c)(1) has not been shown,  
14 and the Application should be denied.

15 On such a record, Plaintiff has failed to identify sufficient cause warranting a shortening  
16 of the time for hearings on the Underlying Motions, and the Application should be denied in its  
17 entirety.

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DATED this 22nd day of March 2023.

/s/ Stacy H. Rubin  
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*Attorneys for Lux Vending, LLC  
d/b/a Bitcoin Depot*

HOLLEY DRIGGS

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Holley Driggs and that, on the 22nd day of March 2023, I caused to be served a true and correct copy of OPPOSITION TO EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON PLAINTIFF'S (1) MOTION FOR TEMPORARY RESTRAINING ORDER; AND (2) MOTION FOR PRELIMINARY INJUNCTION in the following manner:

☒ (ELECTRONIC SERVICE) Under Local Rule 5005 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

☐ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) By serving a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those listed on the attached service list, and on the date above written.

/s/ Olivia Swibies  
An employee of Holley Driggs